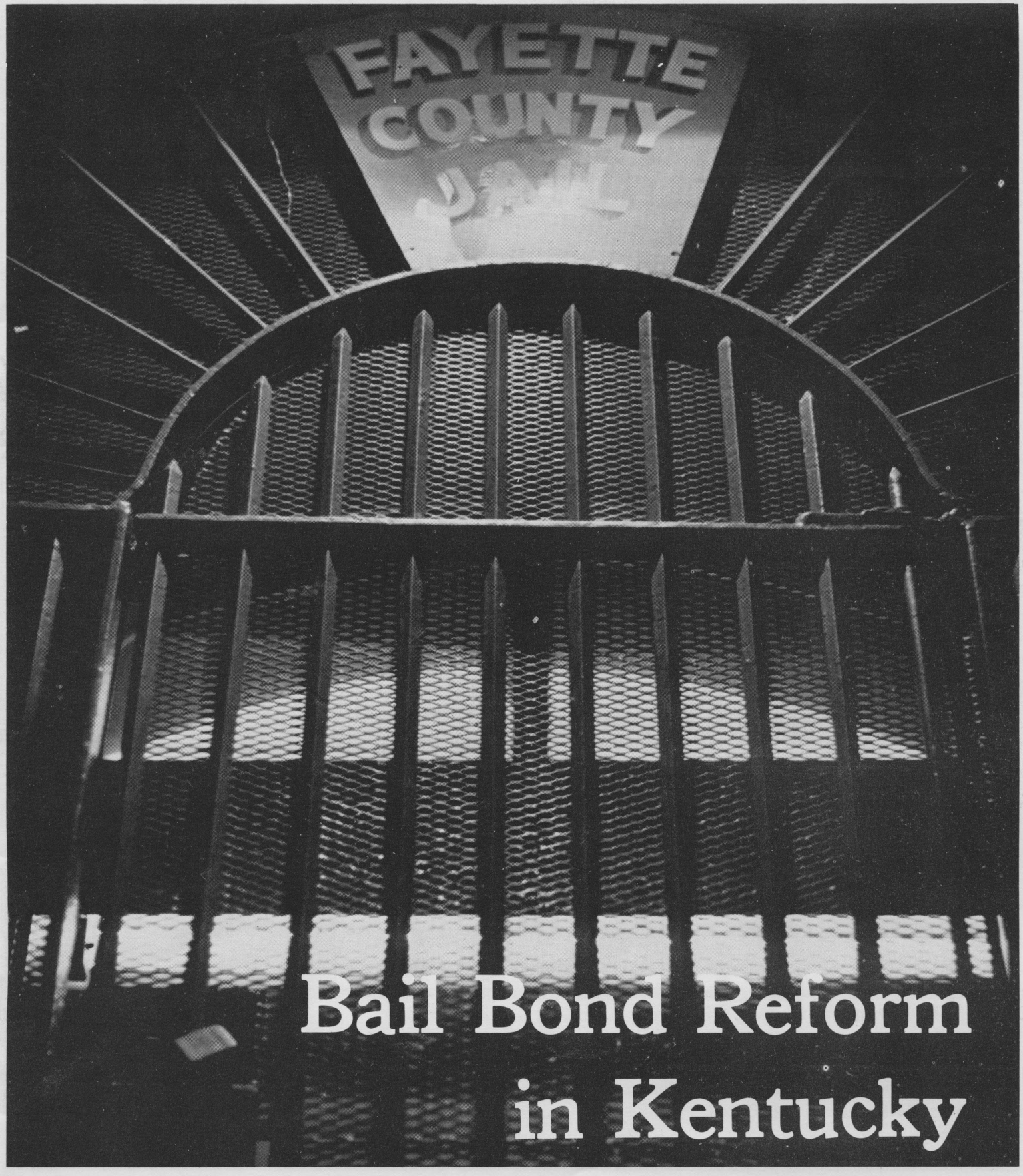

Bail Bond Reform in Kentucky

the review

of the College of Law Alumni Association
University of Kentucky, Inc.
summer/fall, 1976

New Alumni President

Norma B. Adams, as many of you know, is the incoming President of the College of Law Alumni Association, University of Kentucky, Inc.—also, the first woman to hold this position. Although that seems to be a chauvinist statement in this era, there were very few women in law school when Mrs. Adams graduated; 1–2% compared with the 25–30% enrollment today. (You've come a long way, baby!).

Mrs. Adams, born Norma Boster is eminently qualified to be president of the law school alumni. She graduated from the University of Kentucky College of Law in 1951 and married Charles Adams, a classmate. They chose Somerset as a congenial spot to open a joint office because, as Mrs. Adams said, "We wanted to live in a small town."

We asked Mrs. Adams what it was like to enter law practice in a small Kentucky town in the 50's. Was it difficult? Did she find that she was rejected because she was female? "No," she replied. "I never felt that it made any difference. When people needed a lawyer, they didn't worry about my sex—they were looking for someone who could do the job." "Maybe," she added, "it was because Somerset was a small town then—much smaller than it is now. But I was never questioned or uncomfortable about being a 'lady' lawyer. I just *was*—and that was it."

We asked if Norma's father had been a lawyer. "No. No one in my immediate family was a lawyer. My grandfather was a lawyer—but I didn't know him well. I simply wanted to go to law school—so I did."

Mrs. Adams and her husband have practiced general law in Somerset for 20-odd years now, and have obviously built a very successful practice. On the side, so to speak, the Adams' have four children: Ann Clay, 19, who is a sophomore at Smith College in Northampton, Massachusetts; Charles, Jr. (Chuck), 17, a senior at Westminister School in Atlanta; Jane, 15, who will be a sophomore at Somerset High School; and John, age 10, who is in the 6th grade. *Continued on page 9*

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the review

of the College of Law Alumni Association University of Kentucky, Inc. summer fall, 1976

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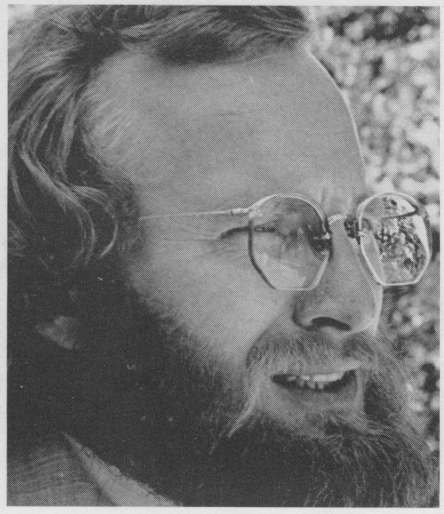
Editor . . . . . *Betsy Browning*

Photography . . . . . *Joel Seidelman*

faculty notes

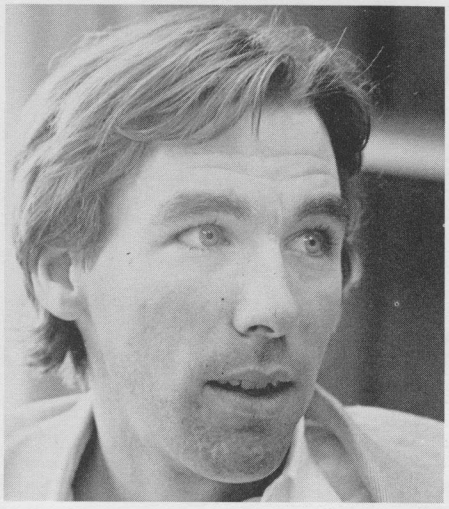
The summer and fall have been a time of growth and change for the College of Law faculty—with comings and goings—packing cartons in the halls—and library carts in full use.

ALVIN GOLDMAN will be on leave of absence as a visiting Professor at the University of California at Davis for the academic year 1976-77. Professor Goldman has been a member of the Faculty of the College of Law for 11 years. During this period, he has taken one year of sabbatical leave to serve as an adviser to the National Labor Relations Board. He will teach courses at U.C. at Davis in Labor Law, Public Employee Bargaining Negotiations, and Employment Discrimination.



JIM ELKINS

JIM ELKINS, a 1971 graduate of the College of Law, joined the faculty for the summer to teach Administrative Law. Jim has been an attorney with the Department of Justice, an Assistant United States Attorney in Newark, New Jersey, and was a 1974 Graduate Fellow at Yale University, receiving his L.L.M. in 1975. He is currently a Professor at De Pauw University in Chicago, where he teaches Criminal, Family, and Administrative Law.



JOHN GARVEY

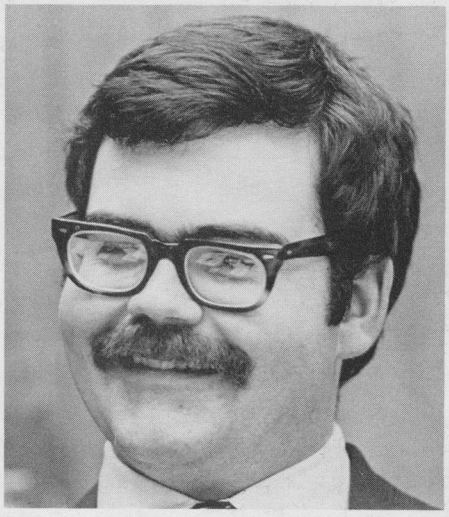
JOHN GARVEY has recently joined the faculty of the College of Law. Professor Garvey graduated from Harvard Law School, class of 1974, and then spent a year clerking for Judge Irving Kauffmann, Chief Judge, Second Circuit, New York, N.Y. He then practiced in San Francisco with Morrison and Forester, before turning to academia. Prof. Garvey is teaching Procedure, Constitutional Law, and Civil Rights.

ROBERT SEDLER spent a 1975-76 sabbatical year, partly on the Continent and partly in the United States. He and his family lived in Milan for 6 glorious months, while Prof. Sedler did research with Professor Rodolfo De Nova at the University of Pavia in private international law. During the Spring semester, Prof. Sedler taught Conflicts and Civil Liberties at Washington University School of Law in St. Louis.

For the academic year 1976-77, Prof. Sedler will be on leave of absence from the University of Kentucky College of Law, and will join Cornell Law School as a Visiting Professor. At Cornell, he will teach Conflict of Laws, Basic Constitutonal Law, Race and Sex Discrimination and Civil Liberties.

BARRY CURRIER is taking a sabbatical year for 1976-77, and will be a visiting Assistant Professor at Duke Law School, teaching Property and Land Transfer.

PAUL VAN BOUVEN, a 1976 graduate of the University of Kentucky College of Law, has been named Assistant Dean. He is a native of Hopkinsville, Kentucky, and a graduate of De Pauw University in Greencastle, Indiana.



PAUL VAN BOUVEN

PAUL OBERST is taking a well-deserved sabbatical, and is looking forward to doing a lot of things he hasn't had time to do in the last 30 years of teaching. Early in the summer, he spent about 3 weeks in California—including a week at the 62nd annual meeting of the American Association of University Professors. Oddly enough, Professor Oberst can't seem to stay away from the glories of the law building—as we often have the pleasure of his company.

John A. Fulton

"About half the days the crowd's for you, and the other half they're against you . . ."

by Betsy Browning

Biographies don't tell you much—particularly about a complex gentleman like John A. (Jack) Fulton. He was born in Kentucky; admitted to the bar in 1942; has been Assistant United States Attorney, Western District of Kentucky, 1948-50; and Judge, Jefferson County Quarterly Court, 1950. He is a member of the Louisville, Kentucky States and American Bar Associations, and the American College of Trial Lawyers. He is, among other things, the attorney for the Louisville School Board, a partner in the Louisville firm of Woodward, Hobson & Fulton, and a distinguished alumnus of the College of Law.

When I went to his office to talk to him, I told him that he was, indeed, one of our distinguished graduates. He demurred. I asked about his other education. He said he'd gone to Centre College for two years, and then transferred to the University of Kentucky for another year of undergraduate work. "In those days you could be admitted to law school after three years. You could also take the Bar after you had finished your second year in law school. So, I didn't obtain an A.B. from Centre. Instead, I went one year to the University of Kentucky, then three years of law school, and graduated with an L.L.B. degree."

I asked what he did after graduation.

"In my senior year of law school," he replied, "Pearl Harbor struck and the Dean of the Law College announced that he would give a degree to any boy who had completed two years and one semester, had a B-average, and wanted to go fight for his country. So, you'd be surprised how many of us got to be brave soldiers then, in order to get our degrees. When I got my diploma—my L.L.B.—I was in France, with several others from my class who had enlisted with me. We all went within a month after Pearl Harbor."

Mr. Fulton's eldest son graduated from the University of North Carolina at Chapel Hill and Duke Law School, and has recently joined him in the firm of Woodward, Bennett and Fulton. I asked, "What do you think about legal education today?"

He thought for a minute. "I'm not familiar enough with it to express a considered opinion. I have some contact with the Law School. I've been back for several of the seminars in Continuing Legal Education, and I take part with a lot of young lawyers in addressing seminars over the country—the Ohio Academy of Trial Lawyers, and others. I think the law students that we're getting into our office are more sophisticated, certainly, than we were, and a great many of them are not really much interested in the nuts and bolts of contracts and torts. A great number of them, thank heaven!—have a desire to effect social change using the courts. While this provokes all us old, conservative lawyers, it's a wonderful thing, because somebody who will advocate social change by using the courts is a whole lot better than those who advocate social change by other means. And, so, every time I tend to go on and make great speeches and pontificate

about young lawyers, and how they're all starry-eyed, I think it's good that they're starry-eyed—and that they're using the courts to do it. What would happen if we lost all this wonderful idealism—if the young people don't have it, the old ones aren't going to have it—they get cynical. So—my goodness, I'm for it! What I know about legal education is, the graduates that are coming through, and that we're employing, and that we send on to others when we can't employ them, seem to have a far greater realization of their responsibilities that they have as lawyers. If they do, that's very important, because then they're not going to be merchants."

I mentioned that Professional Responsibility is a required course in the law school curriculum everywhere now.

"When we had it," he said, "they called it *Ethics*, and it is a difficult course to teach because you can't teach morals. But, really, Ethics is not morals. You're teaching a student in law school that you don't contact the other lawyer's client—now, that's not a moral proposition. There's nothing in your catechism that tells you not to talk to your adversary. The fact of the matter is, you instinctively want to talk to the adversary. So, when a student gets to Ethics, and you say it's absolutely improper to contact another lawyer's client, you're really teaching him a discipline, not morals, and it is important."

"I'm so aware of it," he continued," because of this desegregation litigation. So many lawyers are not paying attention to the Code of Professional Responsibility on trying cases in the press. That Code prohibits you, or me, or any other lawyer from trying cases in the newspapers and on the television. We're supposed to try them in court. On the other hand, you and I have an obligation, as lawyers, to the news media. We have bar—press arrangements, to help reporters understand legal procedures in order to interpret to the public why lawyers are doing like they're doing, and it's a difficult line to draw. We find lawyers calling press conference all the time. My gosh! we'd have been disbarred for that ten years ago."

"Why are they not disbarred now?" I asked.

"Because it's the thing to do, to deal with the media in that way. You see, in the old days, the only way a television reporter could get to you was invite you down to his lair, where he had a big camera and lights. Now, I look up and he's standing in the door of my office! I walk out of the Federal Building, and there are all the cameras and reporters. Now, you say, 'Well, Mr. Fulton, why don't you just say the ethics of our profession forbid us to talk to you'? If you do that, you run the danger of doing your client a great disservice, because a newspaper or TV reporter can say, 'Well, he said *no comment*' in such a way that it'll make it appear that you're absolutely hiding the truth. It's a very difficult area, and some of the people who are now teaching young lawyers *need* to teach lawyers public relations. Because, no matter how wise, and erudite, and brilliant your performance in the courtroom, the camera can't come in the courtroom. Therefore, you're not representing your client to the best advantage unless you are able to convey to a reporter, or to a camera, what you're doing. Then, you run the chance of being in violation of the Code of Professional Ethics. It's a very tight line."

"On that point," he continued, going through the papers on his desk as he talked, until he found a book, "because this is a *very* important point, in the Code of Ethics of the American College of Trial Lawyers, we say this:

Continued on page 10

SAT. &
ONL

Bail Bond Reform in Kentucky

"The defendant with means can afford to pay bail. He can afford to buy his freedom. But the poorer defendant cannot pay the price. He languishes in jail weeks, months and perhaps even years before trial.

He does not stay in jail because he is quilty.

He does not stay in jail because any sentence has been passed.

He does not stay in jail because he is any more likely to flee before trial.

He stays in jail for one reason only—because he is poor.

There are hundreds, perhaps thousands, of illustrations of how the bail system has inflicted arbitrary cruelty:

—A man was jailed on a serious charge brought last Christmas Eve. He could not afford bail and spent 101 days in jail until a hearing. Then the complainant admitted the charge was false.

—A man could not raise $300 bail. He spent 54 days in jail waiting trial for a traffic offense, for which he could have been sentenced to no more than five days.

—A man spent two months in jail before being acquitted. In that period he lost his job, and his car, and his family was split up. He did not find another job for four months."

President Lyndon B. Johnson—Remarks at the signing of the Bail Reform Act of 1966.

By Betsy Browning

On February 10, 1976, Governor Julian Carroll signed House Bill No. 254—enacted by the 1976 Session of the General Assembly of Kentucky—into law.

Entitled "An Act relating to the release of persons in criminal proceedings and prohibiting certain practices in relation thereto," this comprehensive bill is intended to reform the mechanics of pre-trial release of persons accused of offenses. Section 1 of H.B. 254 renders unlawful the engaging in the business of bail bondsman and furnishing, for compensation or consideration, bail or funds or property as bail or the making of bonds and acting as surety for the appearance of persons charged with criminal offenses.

The ink was barely dry (if ballpoint ink dries!) on H.B. 254 when suit was filed in Jefferson Circuit Court by a group of professional bail bondsmen, alleging that the statute is "unconstitutional, null and void, in that it represents an unreasonable prohibition of the carrying on of a legitimate business enterprise or occupation, and as such is violative of the Fourteenth Amendment to the Constitution of the United States and Sections 1, 2, 16 and 26 of the Constitution of Kentucky." The Trial Court declared the bill unconstitutional, and granted a preliminary injunction "enjoining Defendants from enforcing House Bill 254 as it relates to the engaging in the Bail Bondsman business, during the pendency of this action." The Attorney General of Kentucky, Robert F. Stephens appealed this judgment to the Supreme Court of Kentucky, where it was reversed.

For the past 10 years, bail reform has been argued, debated, and the focus of experimental programs all over the country. In *The Challenge of Crime in a Free Society*, in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended:

Each State shall enact comprehensive bail reform legislation after the pattern set by the Federal Bail Reform Act of 1966.

The Commission commented, "By and large, money bail is an unfair and ineffective device. Its glaring weakness is that it discriminates against poor defendants, thus running directly counter to the law's avowed purpose of treating all defendants equally."

There have been other intensive studies, including the *National Ad-*

visory Commission on Criminal Justice Standards and Goals: Report on Courts; Report on Corrections; and *American Bar Association Standards for Criminal Justice*, particularly as published in *Comparative Analysis of American Bar Association Standards for Criminal Justice with Kentucky Laws, Rules and Legal Practice* (March, 1974), produced under sponsorship of the Kentucky Judicial Conference. These studies have all reached the conclusion reached in Standard 4.6, Pre-Trial Release, adopted by the National Advisory Commission on Criminal Justice Standards and Goals, Task Force on Courts, which provides:

"Adequate investigation of defendants' characteristics and circumstances should be undertaken to identify those defendants who can be released prior to trial solely on their own promise to appear for trial. Release on this basis should be made wherever appropriate. If a defendant cannot appropriately be released on this basis, consideration should be given to releasing him under certain conditions, such as the deposit of a sum of money to be forfeited in the event of nonappearance, or assumption of an obligation to pay a certain sum of money in the event of nonappearance, or the agreement of third persons to maintain contact with the defendant and to assure his appearance.

Participation by private bail bond agencies in the pretrial release process should be eliminated."

The Commentary published with this Standard comments:

"The Commission feels that attempts to insure appearances at trial by creating a financial incentive for such appearances are of little value, other than to provide a source of income for private bondsmen. Extensive experimentation has shown that most defendants can safely be released on nothing more than their own promise to reappear at a designated time, and the Commission recommends that maximum use be made of such programs."

House Bill 254 was designed by the Legislature to be, and in fact is, a broad-based reformation of the pretrial release and bail system in Kentucky. Section 1 contains the recommended provisions with respect to elimination of the compensated surety from the pretrial release and bail systems. The balance of the bill contains broad revisions in the areas of pretrial release and bail.

Eliminating compensated surety from the pretrial release system has been a major issue under consideration by a number of judicial commentators. The report from *Task Force Report: The Courts* concluded:

"Unnecessary detention costs the community more than jail expenses. Many persons who fail to raise bail have jobs and dependents. The consequences of their detention are plain: loss of employment and support for the family, repossession of household goods, and accumulation of debts. If the family is put on relief, community funds must be devoted to its support. Loss of employment also means a drop in tax revenues; for the employer, it may mean the additional expense of training a replacement. If the defendant is detained and loses his job, or if he must spend his limited money for a bail bond premium, his ability to pay a lawyer is reduced, and the community may incur the additional expense of providing defense counsel."

The Final Report of the District of Columbia Bail Project, *Bail Reform in the Nation's Capital*, had this to say:

"The jurisdictions of the United States are *virtually alone* in according to the professional bondsman a critical role in the administration of the criminal process. . . .A bondsman is a businessman who, for a price, enables an accused otherwise suited for release on bail to satisfy the financial condition of his freedom.

. . .The bondsman is not usually free to operate without certain regulation, but he is not obliged to act as surety for every accused who seeks his services. Thus, his refusal to do so may effectively negate the 'official' decision that the accused is qualified for release." As Judge J. Skelly Wright recently noted:

> The effect of such a system is that the professional bondsmen hold the keys to the jail in their pockets. They determine for whom they will act as surety—who in their judgment is a good risk. The bad risks, in the bondsmen's judgment, and the ones who are unable to pay the bondsmen's fees remain in jail. The court and the commissioners are relegated to the relatively unimportant chore of fixing the amount of bail.
>
> *Pannell v. United States*, 320 F. 2d 698, (D.C. Cir., 1963)

The Honorable Earl Warren, former Chief Justice of the United States, summed the problem up when he prefaced *Bail Reform in the Nation's Capitol* in these words:

"Our preoccupation as a people with the availability of bail to the

criminally accused is of long standing. It has ancient roots in our inheritance of the English common law. The Congress that functioned under the Articles of Confederation declared in the Northwest Ordinance of 1787 that, 'All persons shall be bailable, except for capital offenses where the evidence of guilt is great.' The First Congress under the Constitution created rights with respect to bail in the Judiciary Act of 1789. And the Constitution itself was subsequently enlarged by the Eighth Amendment to reflect expressly this popular concern that there be ready access to bail in all appropriate cases. Unnecessary imprisment has always been at odds with our national temper.

. . .our aspirations in the matter of bail—aspirations which are all-inclusive in their range from the protection of the community against those who are truly dangerous to to, on the one hand, to the speedy release, on the other, of those for whom incarceration pending determination of guilt or innocence is neither in the interest of themselves nor the community. Above all—and more latterly—those aspirations have included an increasing insistence that bailability is not to be equated with financial status. Our commitment to the ideal of equal justice under law is wholly incompatible with economic discrimination in bail administration.

The prejudicial effects of pretrial detention are real. The accused experiences separation from his family, the possible loss of his job, and impaired ability to assist in his defense. Moreover, the public bears a substantial monetary burden, often unnecessary, in detaining large numbers of persons for lengthy periods before trial. These intolerable conditions existing within the financial bail system evidenced a need for reform.

Bail Reform in the Nation's Capitol,
Final Report of the D.C. Bail Project,
Richard P. Molleur, 1966, Foreword.

President—

Continued from page 2

On top of practicing law, raising four energetic children and running a house, Mrs. Adams is a partner in a lovely shop—Jane's—in Somerset. The shop specializes in women's clothes, and Norma goes to market several times a year on buying trips. "What fun!" we said. "What work!" she replied. "But it is fun—and interesting, and a very pleasant change from my other activities."

We wanted to know what Mrs. Adams hoped for the alumni association this year. "Well, I'd like first to see us increase in size. Although the alumni association has gotten off to a wonderful start, we need to reach a wider group, both in and out of Kentucky. We want input from *all* of our graduates, not just those who are connected to the College of Law now by proximity. We have, for instance, recently mailed the first edition of the *Law Register*, a roster of all the graduates of the University of Kentucky College of Law, with current addresses, plus class lists. We feel this is a much needed addition to the desk or library of any alumnus—and we hope it will generate more contacts between fellow graduates and the College of Law. We plan a special alumni gathering in the spring, as well as the fall cocktail party. We want to have more lines of communication from the practicing bar. We want to serve our alumni, and we need their full support."

We're sure that, if the energetic and multi-faceted Mrs. Adams has anything to say about it, the alumni association will have an active and exciting year under her leadership. To coin a phrase, "right on, sister!"

Fulton

Continued from page 5

> A lawyer should try his cases in court and not in the newspaper or through other news media. He should not publish, cause to be published, or aid and abet in any way, directly or indirectly, the publication in any newspaper or other documentary media or radio, television, or other device any material concerning a case on trial or any anticipated litigation, which might reasonably be expected to interfere in any manner with the trial. No statement should be made which indicates intended proof of what witnesses will be called, or what amounts to comment argument."

"Last night, at 11:00 o'clock, WHAS called me and said, 'Mr. Fulton, you're going to Cincinnati next Monday and argue five desegregation cases. What are you going to argue?' I had to say, 'Young fellow, I'm not allowed to tell you what I'm going to argue—that would be trying the case. I can tell you what the cases are up there and what they're about.' These are the things which require professional responsibility."

"What are the cases you're arguing in front of the Sixth Circuit," I asked.

"There are five cases, all grown out of the Louisville desegregation case. They all deal with the main and principal issue, which is whether or not the Federal Judge who says that in every school in Louisville there must be a black white ratio of not less than 12 or more than 40% has made Constitutional quotas. Now, women's lib and racial issues have been very prevalent in the last few years, and that's fine—and I believe in that, incidentally—but I don't believe the *Constitution* has yet required that in each school there be certain levels. That's what it's all about. It's hard for lawyers—particularly young lawyers, because nobody can teach them except experience—what is their duty to their clients, and to the public, and to themselves. How do you keep from violating professional ethics?"

Jack Fulton is a big man—built like a football player. His hair is barely beginning to turn gray, and his speech has just a touch of the South. He is intense when he talks. "How long have you been the lawyer for the Louisville School Board?" I said.

"Five years, now," he said, "in this one case—and a day doesn't pass without some inquiry from some local or out of state press, Associated Press, U.P.I., somebody, with a request for a brief or something like that. This issue is almost a daily issue, and it's difficult for all the lawyers, on both sides of the case—and difficult for the judge."

"Do you use prepared statements?"

"No. Perhaps it would have been wise if, five years ago, as a matter of hindsight, I'd had a little statement, just like an answering service—but I don't. In private litigation, if I had a tort case, I would tell the press nothing, but this school litigation is the public's business. I'm employed by a *public* body, the School Board, and I'm being paid considerable fees from public funds. Every mother of every child in this community, if that child's going to school, is vitally interested— and when she calls me on the telephone and says, "I'm Mrs. Jones,' I'd like to say, 'I'm sorry, Mrs. Jones, I'm very busy,' but I can't do that. So, I'm open to the public. So is the judge, and the lawyers for the plaintiff. It's a serious situation, and we're just learning as we go along. How do you handle these things?

"You've obviously always been a trial lawyer," I said.

He shifted in his chair. "Yes. When I left law school and came back from the Army, I came here to this firm, of which my father was a member. It's been a father and son's law firm for 75 years, and my father had been the Chief Justice of the Kentucky Court. I was here about a year, and then I had the wonderful experience of being assistant United States Attorney for two years. This gives you more trial experience in two years than an ordinary lawyer can get in many more years."

Now came the question I'd been saving. "Do you regret taking the School Board case?"

He smiled, and then became serious. "Oh, no, I don't regret it. I *knew*, before I made the decision. A graduate of the University of Kentucky came to me and asked me to take the case. I promptly declined, because I knew then—as I know now—that any time you get into the area of public law you're going to have more problems, frequently, with your client than you're going to

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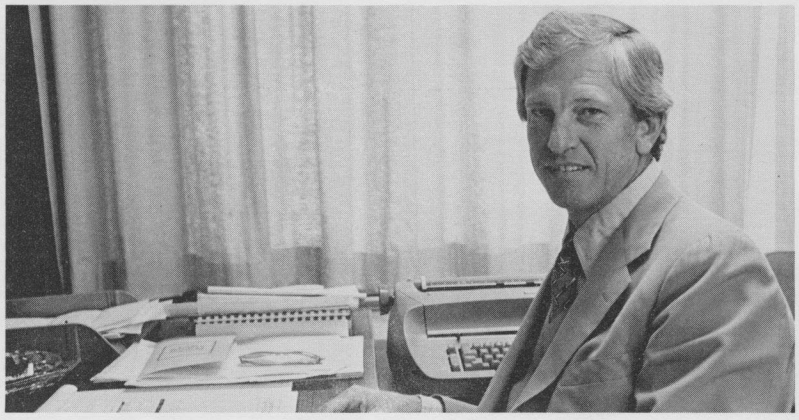
Of Money and Moving

By Dean Thomas P. Lewis



We arrived in Lexington at midnight July 2 after a hurried drive from Massachusetts to beat the moving van—which appeared at our Lexington house at 8:00 a.m. on July 3. In our case at least the moving industry played a reverse on the old army game—"wait and hurry up."

Of the matters and projects that have occupied my time through July and August, two may be of special interest to you. Those of you who attended will recall the announcement at the Annual Banquet of the President's go-ahead for an addition to the College of Law building. A committee had just been appointed to seek to translate our program into space needs. (Since 1965, when our new building was occupied, we had among other things grown from the 250 student school for which the building was designed to a 500 student school.) The committee worked hard through the summer and I joined with it for several very long sessions in July as it wound up its investigation and prepared a report. The report has now been circulated to the faculty and we should be in a position soon to forward a final report to the University for use by the architect.

The second project involves an effort to build your financial support for the College of Law. You may recall the theme of George Hardy's last communication to you in the pages of the Review. It was a theme he had begun to sound earlier and was about to begin translating into action—the need for a College of Law Fund. Immediately following the Annual Banquet the newly elected members of the Board of Directors met with me and stated, quite bluntly, that the time had come to make a concerted effort to secure substantial alumni giving for the College. We arranged then to meet again in June, while George Hardy was still available to discuss plans for a fund. I have since met with University officials to alert them to our plans and enlist their support and cooperation. Pledges of both have been readily, I might even say enthusiastically, offered. Within the next few weeks I will meet with a committee of the Alumni Association's Board of Directors for further discussion and planning.

The purpose of my reporting these preliminary efforts to you now is, very simply, to reduce the surprise—no shock, I hope—that you might experience when you receive a formal announcement of the inauguration of a College of Law Fund. We are serious about the endeavor and I will make special efforts in the future to acquaint you more particularly with the important values of and the great need for a College of Law Fund based on an annual drive for your continuing support of the College.

Though summertime is a relatively quiet and relaxed time, I have stayed quite busy through my first two months on the job. But George left things in good shape and those persons frequently unheralded who provide continuity to an institution's life—persons such as Administrative Assistants Martha Grange and Barbara Drake—have made my initial breaking-in immeasurably easier than it might have been.

I hope very soon to be able to get away from the office on occasion to renew my acquaintance with the State and with many of you.

Fulton

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have with your adversary. He asked me again. So, then, I consulted my partners—because we don't get into major matters without consulting each other. We recognized that we've got a responsibility, and we don't do enough public work in this firm. Here was my opportunity to do it, and maybe to make a contribution, because what the School Board needed was, in my opinion, somebody to keep them moderate. Not to try to change their philosophy, not to change their views, but to see to it that they could live with a Federal Judge. Because everybody knew that, the way the law was developing, this community was going to be desegregated. Now then, *how* was it going to be desegregated? Peacefully, in an orderly fashion, where the School Board, regardless of what it thought, was going to obey the court's orders? Or was it going to be contempt, and—you know—confrontation, and so forth?"

He turned in his chair, and looked out the window. Then, he turned back and went on talking. "Now, I felt that, because of my experience in the Federal Courts, and my experience in the Circuit Court of Appeals as a member of the Judicial Conference, that I could convince these laymen that, right or wrong, the best course of action was to follow the directions of the courts. If they're displeased, use the court system by appeal. As it's turned out, I'm sure they think they haven't had much success in that adventure—but I think that, on the whole, the community has been better off. I've got to believe that because, if I didn't, I'd think I was a failure! The contribution that the lawyer makes, I think, in these public matters, is showing lay people that—win, lose, or draw—orderly procedure will eventually get the job done. It's a challenge—and it's fascinating, particularly the human relations involved as you try to keep a judge happy, a client happy, the marshall happy, and an adversary happy!"

"Professor Sedler is a candid man," he continued," and is the plaintiff's lawyer in the case. Professor Sedler and I understand that he believes that we've got to have social and economic equality—that's different from racial equality. He and I understand that, and I know that's what he's after, but this is very difficult to explain to some School Board members, and some members of the public." He shook his head, and smiled again. "About half of the days the crowd's for you, and the other half they're against you."

Mr. John Fulton, the University of Kentucky College of Law is proud to claim you as one of our alumni every day of the week.

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